

REMARKS

With this Request for Continued Examination, Applicant respectfully requests the Examiner consider the previously submitted amendment(s)/reply under 37 C.F.R. § 1.116 that was filed on January 21, 2004, a copy of which is enclosed herewith. Entry of this Amendment after final was refused as raising new issues.

CONCLUSION

In view of the above remarks, it is respectfully submitted that the claims and the present application are now in condition for allowance. Approval of the application and allowance of the claims is earnestly solicited. In the event that a phone conference between the Examiner and the Applicant's undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact said attorney at (651) 275-9811.

A check in the amount of \$880.00 is enclosed for the Request for Continued Examination fee and the Request for One-Month Extension fee. Should any other fee be required, the Commissioner is authorized to charge Kagan Binder Deposit Account No. 50-1775 and thereafter notify us of the same.

Respectfully Submitted,

Dated: February 20, 2004

By:

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DAB/JAE/11512

Remarks

The following remarks are submitted to be fully responsive to the Final Office Action dated October 21, 2003. It is further submitted that this response is timely filed within the three-month shortened statutory period. Reconsideration of all outstanding grounds of the rejection and allowance of the subject application are believed in order and respectfully requested.

The Examiner's indication of allowable subject matter within dependent claims 4, 7, 9 and 10 is noted with appreciation. These claims are objected to as being dependent upon a rejected base claim (claim 1) but would be allowable if appropriately rewritten as indicated by the Examiner. Accordingly, by this amendment claim 4 is submitted as new independent claim 17 and is believed allowable as presented. Also, new dependent claims 18-27 are submitted of which claims 21, 22, and 23 recite the subject matter of claims 7, 9, and 10 respectively which have been indicated as allowable. The subject matter of claims 7, 9, and 10 has not been presented in independent claims and has been submitted as dependent claims because claims 7, 9, and 10 further limit claim 4. Accordingly, new claims 17-27 are believed in a condition for allowance, which allowance is earnestly requested.

By this amendment, independent claims 1, 15, and 16 are amended to include certain features believed allowable. In particular, independent claims 1, 15, and 16 are amended to recite a valve comprising a regulating portion having a tip connected with a valve seat wherein the valve seat is non-separably connected with the regulating portion. Support for this amendment can be found in Figure 1, which illustrates a valve of the present invention that comprises a regulating portion having a valve seat that is non-separably connected with the regulating portion. Applicants respectfully submit that this is distinct from the prior art as set forth below.

Claims 1, 15, and 16 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,293,514 to Pechoux et al. in view of U.S. Patent No. 5,163,476 to Wessman.

Pechoux teaches a two-piece valve. As can be best seen in Figure 1, the valve includes a valve seat 8a and a distinct regulating portion 8b. The valve seat 8a is

separable from regulating portion 8b. That is, regulating portion 8b is not connected to the valve seat 8a and is held against the valve seat 8a by the force of spring 21. Likewise, in Figure 7, Pechoux shows another valve that includes a valve seat 8a and a distinct regulating portion 8b. In this valve, the valve seat 8a is also separable from the regulating portion 8b and is held against the regulating portion 8b by the force of a magnet.

The Official Action submits that it would have been obvious for one of ordinary skill in the art to have used the regulating cone of Wessman in place of the regulating portion 8b of Pechoux to arrive at the present invention. Independent claims 1, 15, and 16 now emphasize that the regulating portion includes a valve seat that is non-separably connected with the regulating portion. Applicants respectfully submit that a regulating portion comprising a valve seat that is not separable from the regulating portion is distinct from the two-piece valve construction of Pechoux. Thus, the proposed combination of Pechoux and Wessman cannot render obvious claims 1, 15, and 16, especially as presently recited. Specifically, the combination of these references cannot render the valve as claimed obvious because to provide a valve seat that is not separable from the regulating portion would frustrate the fundamental purpose of Pechoux, which has as its object to provide a regulating portion 8b that is not connected to the valve seat 8a so that the control rod does not need to be in accurate alignment with the axis of the circular seat. See column 3, lines 20-49. Withdrawal of the rejection of claims 1, 15, and 16 is thus believed proper and respectfully requested.

Also, applicants respectfully submit that dependent claims 2, 3, 5, and 11-14, which depend from claim 1, are allowable over the prior art of record at least in that they depend from independent claim 1. Withdrawal of the rejection of these claims is believed proper and respectfully requested.

Authorization to Charge Deposit Account

The amount of \$176.00 (\$86.00 for Independent Claim 17 (in excess of 3) and \$90.00 for Claims 21-27 (in excess of 20 less two cancelled claims)) is due for the additional cost of added claims 17-27 and it is hereby requested and authorized for the

Commissioner to charge Kagan Binder Deposit Account No. 50-1775 and thereafter notify us of the same.

No extensions of time or additional fees other than the above noted claim fees are believed to be required in connection with the filing of this response. Should any fee be deemed necessary, the Commissioner is authorized to charge Kagan Binder Deposit Account No. 50-1775 and thereafter notify us of the same.

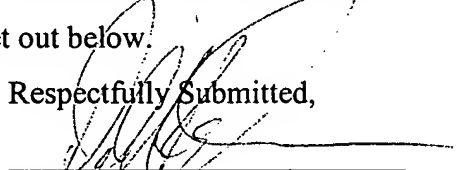
Conclusion

In view of the above remarks, it is respectfully submitted that the claims and the present application are now in condition for allowance, which allowance is earnestly solicited. In the event that a phone conference between the Examiner and the Applicant's undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact the undersigned as set out below.

Dated: January 21, 2004

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Respectfully Submitted,


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